

CHAPTER 20:80:01

GENERAL PROVISIONS

(Transferred from Chapter 46:33:01)

Section

20:80:01:01 Definitions.

20:80:01:02 ~~IC&RC board~~ International Certification and Reciprocity Consortium
membership and reciprocity.

20:80:01:03 Repealed.

20:80:01:04 Recognition, certification, and licensure process.

20:80:01:05 Ethical standards.

20:80:01:01. Definitions. Terms used in this article mean:

- (1) "ACT," an addiction counselor trainee approved by the Board;
- (2) "Applicant," ~~any~~ a person applying to the board for any purpose relating to that person's recognition, certification, or licensure by the board;
- (3) "Board," ~~or "BAPP,"~~ the South Dakota Board of Addiction and Prevention Professionals;
- (4) "CAC," a certified addiction counselor;
- (5) "CPS," a certified prevention specialist;
- (6) "Clinical supervisor," a person qualified to provide ongoing assessment and oversight to ensure ~~that the~~ a supervisee's academic and work experience meets the requirements set forth in ~~Chapter~~ chapter 20:80:05 and is within the scope of practice for the profession;
- (7) "Contact hours," the units of measurement for continuing professional training. ~~Training is measured in units of clock hours and a~~ A minimum of ~~50~~ fifty minutes ~~are~~ is required to gain one clock hour of professional training;
- (8) "Continuing professional training," training gained from participation in approved lectures, workshops, seminars, or post secondary education courses ~~considered relevant~~ related to the field of addiction counseling, behavioral health, or prevention services;
- (9) "Department," the South Dakota Department of Social Services;
- (10) "Division," the Division of Behavioral Health, a division of the Department of Social Services;
- (11) "Dually credentialed practitioner," a practitioner certified as a CAC or LAC and a CPS;
- (12) "IC&RC," the International Certification & Reciprocity Consortium;

- (13) "LAC," a licensed addiction counselor;
- (14) "PST," a prevention specialist trainee approved by the Board;
- (15) "Practitioner," ~~as defined in SDCL 36-34-1~~ a person certified, licensed, or recognized by the Board to practice addiction counseling or prevention services who holds oneself out to the public by any title or description of services which uses the words certified addiction counselor, licensed addiction counselor, addiction counselor trainee, certified prevention specialist, prevention specialist trainee, or any derivatives thereof;
- (16) "Trainee," a status of recognition through the board for a person seeking to complete the requirements for certified or licensed addiction counselor or certified prevention specialist while under supervision approved by the Board; and
- (17) "Twelve core functions," ~~the 12~~ twelve core functions of the alcohol and drug counselor profession ~~contained in the IC&RC alcohol and drug counselor domains~~ are: screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, reports and record keeping, and consultation.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:01:01, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12.

20:80:01:02. ~~IC&RC board~~ International Certification and Reciprocity Consortium
membership and reciprocity. The board is a member of the International Certification and Reciprocity Consortium (IC&RC) ~~or IC&RC, a not for profit national organization that sets the international standards for practice in addiction, counseling, prevention, and clinical supervision through testing and credentialing of addiction professionals.~~ A practitioner certified or licensed under the board as a ~~CAC, LAC, or CPS~~ certified addiction counselor, certified prevention specialist, or licensed addiction counselor is eligible to apply to the board for reciprocity through the IC&RC. ~~An application form may be obtained from the board.~~

The board may grant reciprocity at a ~~CAC~~ certified addiction counselor, certified prevention specialist, or licensed addiction counselor level for any practitioner certified by another IC&RC ~~board member~~ and who holds a reciprocal level credential.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:01:02, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(3).

Law Implemented: SDCL 36-34-12(1)(3), 36-34-13.5.

20:80:01:04. Recognition, certification, and licensure process. The process for obtaining recognition, certification, or licensure is as follows:

(1) ACT or PST recognition is granted upon completion of the application and payment of the applicable fee. ~~Recognition status may be granted for up to five years and is renewed annually during the trainee's birth month following the issuance of the certificate. Recognition expires on the last day of the trainee's birth month~~ Recognition status is valid for one year from the date of issuance and may not be renewed more than four times;

(2) CAC or CPS certification is granted upon completion of the application ~~process,~~ payment of the applicable fee, and successfully passing ~~the~~ a required written examination. ~~Certification is renewed annually during the practitioner's birth month following issuance of the certificate. Certification expires on the last day of the practitioner's birth month~~ Certification may be renewed pursuant to SDCL 36-34-13.3; and

(3) LAC licensure is granted upon completion of the application ~~process,~~ payment of the applicable fee, and successfully passing ~~the~~ a required written examination. ~~The license is renewed annually during the practitioner's birth month following issuance of the certificate. The license expires on the last day of the practitioner's birth month~~ Licensure may be renewed pursuant to SDCL 36-34-13.3.

Source: 32 SDR 225, effective July 3, 2006; subdivisions (2) and (3) adopted June 13, 2006, effective January 1, 2008; transferred from § 46:33:01:04, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(5)(7);~~ SDCL 36-34-13.3.

Law Implemented: ~~SDCL 36-34-12(1)(3)(5)(7);~~ SDCL 36-34-13.3.

Cross-Reference: Fee schedule, § 20:80:03:02.

20:80:01:05. Ethical standards. Any person applying for recognition, certification, or licensure or who is recognized as a trainee or a certified or licensed practitioner by the board shall comply with the ethical standards as set forth in the ~~Code of Ethics and Standards of Practice of the Board of Addiction and Prevention Professionals~~, as adopted by the board National Association of Alcoholism and Drug Abuse Counselors/National Certification Commission for Addiction Professionals Code Ethics.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:01:05, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(3).

Law Implemented: SDCL 36-34-12(1)(3).

Reference: ~~Code of Ethics and Standards of Practice of the Board of Addiction and Prevention Professionals~~, 2004. Copies may be obtained free of charge from the BAPP, 3101 W. 41st Street, Suite 205, Sioux Falls, SD 57105, or from the BAPP website at ~~www.dss.sd.gov/behavioralhealthservices/licensingboards~~. National Association of Alcoholism and Drug Abuse Counselors/National Certification Commission for Addiction Professionals Code Ethics, 2021. Copies of the Code of Ethics may be obtained on the Board's website at https://dss.sd.gov/licensingboards/bapp/bapp.aspx or from NAADC/NCC AP at https://www.naadac.org/code-of-ethics.

CHAPTER 20:80:02

APPLICATION PROCESS

(Transferred from Chapter 46:33:02)

Section

- 20:80:02:01 ~~Request for application~~ Application requirements.
- 20:80:02:02 ~~Application form,~~ Repealed.
- 20:80:02:03 ~~Application deadline~~ for certification or licensure.
- 20:80:02:04 Board review of application for certification or licensure.
- 20:80:02:05 ~~Grounds for denial~~ Denial of application.

20:80:02:01. Request for application Application Requirements. ~~To obtain an application for trainee recognition, certification, licensure, or upgrade in status, an applicant shall submit a written request to the board and the applicable fee or download the application at no cost from the board's website at www.dss.sd.gov/behavioralhealthservices/licensingboards~~ An application for trainee status, license, certification, temporary license or certification, renewal of a license, certification, or trainee status, inactive license or certificate, or reactivated license or certificate, must be made in writing on a form prescribed by the board. The application, license, or certification fee must be submitted with the application. The application fee is non-refundable. The licensee fee is refundable if the application is withdrawn or denied.

An applicant shall verify under penalty of perjury that all information on the application is true and correct. The electronic submission of an application serves as the applicant's signature and verification of the information on the application. The applicant may be required to clarify or provide additional information. Materials received by the board from a third party may not be returned to the applicant.

An application is not complete until the required documentation and fees are received by the board. The board may return an application that remains incomplete one year after the initial submission of the application. A returned application is considered to be withdrawn.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:02:01, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(3)(7).

Law Implemented: SDCL 36-34-12(3)(7).

Cross-Reference: Fee schedule, § 20:80:03:02.

20:80:02:02. Application form. ~~An application or renewal application for trainee recognition, certification, licensure, or upgrade in status must be made on a form provided by the board.~~ Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:02:02, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(3).~~

Law Implemented: ~~SDCL 36-34-12(3).~~

20:80:02:03. Application ~~deadline~~ for certification or licensure. An application for certification or licensure must be submitted to the board ~~after~~ within 180 days of completing all academic and work experience requirements ~~are completed~~. ~~The application deadlines for the two testing cycles are January 1 and July 1. Failure to submit all application materials by the deadline will result in denial of the application for that testing cycle. The board shall retain partial applications for two years.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:02:03, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(3)(4).

Law Implemented: SDCL 36-34-12(3)(4).

20:80:02:05.—Grounds for denial Denial of application. ~~An applicant for trainee recognition, certification, licensure, renewal, upgrade, or reciprocity shall be denied if:~~

~~——(1) The applicant fails to provide accurate and complete responses to the board's questions and requests for information; or~~

~~——(2) The applicant has been convicted of, pled guilty or no contest to, or received a suspended imposition of sentence for a felony offense within five years of the date of application. The sentencing requirements must be completed or satisfied prior to the date of application. Persons with felony records will need to sign appropriate releases of information that will allow the board to verify current status. The board shall consider military court martial offenses as felony offenses~~
An application may be denied for failure to meet the applicable certification or licensure requirements or for any reason set forth in SDCL 36-34-21. The board shall inform the applicant, in writing, of its reasons for denial. An applicant whose application is denied is entitled to a hearing pursuant to SDCL chapter 1-26.

Source: 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(3)(5).

Law Implemented: SDCL 36-34-12(1)(3)(5).

CHAPTER 20:80:03

FEEES

(Transferred from Chapter 46:33:03)

Section

20:80:03:01 Remittance of application fees.

20:80:03:02 Fee schedule.

20:80:03:01. Remittance of application fees. ~~The board may not grant final approval of any application until the required nonrefundable fee is received~~ Required fees must be remitted to the Board in the form prescribed by the Board and payable to the State of South Dakota.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:03:01, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(7), 36-34-13.

Law Implemented: SDCL 36-34-12(7), 36-34-13.

20:80:03:02. Fee schedule. The board shall collect the following nonrefundable fees:

- ~~(1) Application materials or portfolio reviews, \$25;~~
- ~~(2) CAC, CPS, or LAC application and examination fee, \$250~~ \$50;
- (2) CAC, CPS, or LAC examination fee, \$200;
- (3) CAC, CPS, or LAC retest fee, \$200;
- (4) CAC or CPS renewal fee, ~~\$175~~ \$350;
- (5) LAC renewal fee, ~~\$200~~ \$400;
- (6) CAC, CPS, or LAC reinstatement fee, \$150;
- (7) Status upgrade fee, \$150;
- ~~(8) ACT, PST, CAC, CPS, or LAC replacement or duplicate certificate, \$15;~~
- ~~(9) CAC, CPS, or LAC replacement identification card, \$5;~~
- ~~(10) ACT or PST recognition fee, a prorated amount of \$12.50 per month from the month of initial recognition to the last day of the month of the trainee's birth month not to exceed \$150~~ \$100;
- ~~(11)~~(9) ACT or PST renewal fee, ~~\$150~~ \$100;
- ~~(12)~~(10) ACT or PST reinstatement application fee, ~~\$150~~ \$50;
- ~~(13) Registration as a continuing education service provider, \$25;~~
- ~~(14) CAC or CPS retirement status practitioner fee, \$87.50;~~
- ~~(15) LAC retirement status practitioner fee, \$100;~~
- ~~(16)~~(11) LAC and CPS dual credential renewal fee, ~~\$287.50~~ \$550;
- ~~(17)~~(12) CAC and CPS dual credential renewal fee, ~~\$262.50~~ \$500;
- ~~(18)~~(13) International certificate fee, \$20;
- ~~(19) Examination cancellation or rescheduling fee, \$25;~~

~~(20) Examination late cancellation or nonattendance fee, \$125;~~

~~(21) Mailing labels charge, \$100~~

(14) Inactive license fee, \$50;

(15) Temporary license fee, \$100.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:03:02, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(7), 36-34-13.

Law Implemented: SDCL 36-34-12(7), 36-34-13.

APPLICATION INFORMATION REQUIRED

(Transferred from Chapter 46:33:04)

Section

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|-------------|-------------------------------------|
| 20:80:04:01 | Repealed. |
| 20:80:04:02 | CPS certification. |
| 20:80:04:03 | Trainee recognition. |
| 20:80:04:04 | CAC certification or LAC licensure. |

20:80:04:02. CPS certification. ~~A completed application for CPS certification must include the following:~~

- ~~—— (1) Verification of Educational and academic data form;~~
- ~~—— (2) Official transcripts for all post secondary coursework;~~
- ~~—— (3) Signed authorization and release of information form that includes a statement of non-felony or completion of felony sentencing requirements;~~
- ~~—— (4) Signed professional code of ethics form;~~
- ~~—— (5) Three professional recommendations;~~
- ~~—— (6) Supervisor's evaluation and recommendation with indication that applicant meets competencies specific to the prevention specialist domains as defined by IC&RC;~~
- ~~—— (7) Work history documentation and verification of work experience hours;~~
- ~~—— (8) Written job description for the current position held;~~
- ~~—— (9) Documentation of supervised practical training hours as required in § 20:80:05:04; and~~
- ~~—— (10) Payment of the required fee.~~

An applicant for certified prevention specialist certification shall submit to the board:

- (1) A completed application;
- (2) The applicable fees;
- (3) An official transcript from an approved educational program recognized by the board demonstrating the educational requirements for certification;
- (4) Documentation of the required work hours under board approved supervision, as prescribed in this article, completed after the board granted trainee status;
- (5) Documentation of the required supervision hours with a board approved supervisor, as prescribed in this article, completed after the board granted trainee status;

- (6) Verification of the certificate or license number and status of the certificate or license from the applicable licensing board in each state where the applicant has been certified or licensed to practice counseling, if applicable;
- (7) A statement of criminal record, if applicable;
- (8) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held certificate or license; and
- (9) A recent photograph.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:04:02, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12~~(1)(3)(7)~~.

Law Implemented: SDCL 36-34-12(1)(3)(7).

Cross Reference: Fee schedule, § 20:80:03:02.

20:80:04:03. Trainee recognition. A completed application for ACT or PST recognition must include the following:

- (1) ~~Educational and academic data form~~ A completed application;
- (2) ~~For ACT recognition, verification of education to include a high school diploma or general education diploma or transcripts from an accredited high school or post secondary institution~~ The applicable fees;
- (3) ~~For PST recognition, verification of education to include transcripts from an accredited post secondary institution showing evidence of a bachelor's degree~~ Verification from a high school or approved program recognized by the board demonstrating the educational requirements for recognition, as prescribed by this article;
- (4) ~~Signed supervision data form and the clinical supervisor code of ethics form~~ Verification of the certificate or license number and status of the certificate or license from the applicable licensing board in each state where the applicant has been certified or licensed to practice counseling, if applicable;
- (5) ~~Signed authorization and release of information form that includes a statement of non-felony or completion of felony sentencing requirements~~ A statement of criminal record, if applicable;
- (6) ~~Signed professional code of ethics form~~ A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held certificate or license; and
- (7) ~~Payment of the required fee~~ A recent photograph.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:04:03, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12~~(1)(3)~~, 36-34-13~~(8)~~.

Law Implemented: SDCL 36-34-12(1)(3), ~~36-34-13(8)~~.

Cross-Reference: Fee schedule, § 20:80:03:02.

20:80:04:04. CAC certification or LAC licensure. ~~A completed application for CAC or LAC must include the following:~~

- ~~—— (1) Educational and academic data form;~~
- ~~—— (2) Official transcripts for all post secondary coursework;~~
- ~~—— (3) Signed authorization and release of information form that includes a statement of non-felony or completion of felony sentencing requirements;~~
- ~~—— (4) Signed professional code of ethics form;~~
- ~~—— (5) Three professional recommendations;~~
- ~~—— (6) Supervisor's evaluation and recommendation with indication that applicant meets competencies in the functions specific to the alcohol and drug counselor domains to include the 12 core functions as defined in § 20:80:01:01;~~
- ~~—— (7) Work history documentation and verification of work experience hours;~~
- ~~—— (8) Written job description for the current position held;~~
- ~~—— (9) Documentation of supervised practical training hours as required in §§ 20:80:05:09 for CAC or 20:80:05:10 for LAC; and~~
- ~~—— (10) Payment of the required fee.~~

An applicant for certified addiction counselor certification or licensed addiction counselor licensure shall submit to the board:

- (1) A completed application;
- (2) The applicable fees;
- (3) An official transcript from an approved educational program recognized by the board demonstrating the educational requirements for certification;

- (4) Documentation of the required work hours under board approved supervision, as prescribed in this article, performed after the board granted trainee status;
- (5) Documentation of the required supervision hours with a board approved supervisor, as prescribed in this article, performed after the board granted trainee status;
- (6) Verification of the license number and status of the license from the applicable licensing board in each state where the applicant has been licensed to practice counseling, if applicable;
- (7) A statement of criminal record, if applicable;
- (8) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (9) A recent photograph.

Source: 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12~~(1)(3)(7)~~.

Law Implemented: SDCL 36-34-12(1)(3)(7).

Cross-Reference: Fee schedule, § 20:80:03:02.

CHAPTER 20:80:07

EXAMINATION

(Transferred from Chapter 46:33:07)

Section

20:80:07:01 Written examination for CAC, LAC, or CPS.

20:80:07:02 Repealed.

20:80:07:03 Retesting requirements.

20:80:07:04 to 20:80:07:07 Repealed.

20:80:07:01. Written examination for CAC, LAC, or CPS. An applicant for licensure or certification ~~CAC, LAC, or CPS~~ shall successfully complete a written examination approved by the board. Applicants approved for testing will be notified in writing of the examination date, time, and place. Applicants needing special examination accommodations shall submit to the board a request for such accommodations accompanied by a health-care provider's documentation for the accommodations needed for the examination ~~to the board 60~~ within sixty days prior to the examination date.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:07:01, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(3)(4).

Law Implemented: SDCL 36-34-12(1)(3)(4).

20:80:07:03. Retesting requirements. An applicant who fails the written examination may retest by submitting ~~a letter of intent~~ an application to retest and the required fee. ~~The applicant may retest two times and only during the next two consecutive testing cycles. The letter and fee must be received by January 1 or July 1 prior to the next testing cycle in order to test in that cycle.~~ An applicant who has not successfully passed the examination after three testing cycles is required to apply for trainee status and must meet the current educational standards, and supervision and work requirements at the time of reapplication.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:07:03, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(3)(4)(5)(7).

Law Implemented: SDCL 36-34-12(1)(3)(4)(5)(7).

Cross-Reference: Fee schedule, § 20:80:03:02.

CHAPTER 20:80:08

CONTINUING PROFESSIONAL TRAINING EDUCATION

(Transferred from Chapter 46:33:08)

Section

- 20:80:08:01 ~~List of continuing professional training activities maintained by the board,~~
Repealed.
- 20:80:08:02 ~~Sources of continuing professional training,~~ Repealed.
- 20:80:08:03 ~~Preapproved sponsors,~~ Repealed.
- 20:80:08:04 ~~Standards for approval,~~ Repealed.
- 20:80:08:05 ~~Approval of activities,~~ Repealed.
- 20:80:08:06 ~~Repealed.~~
- 20:80:08:07 ~~Continuing professional training requirements,~~ Repealed.
- 20:80:08:08 ~~Continuing professional training compliance period,~~ Repealed.
- 20:80:08:09 ~~Proof of compliance required,~~ Repealed.
- 20:80:08:10 ~~Board audit of compliance requirements,~~ Repealed.
- 20:80:08:11 ~~Restriction on continuing professional training contact hours,~~ Repealed.
- 20:80:08:12 ~~Credit for teaching and facilitating training,~~ Repealed.
- 20:80:08:13 ~~Repealed.~~
- 20:80:08:14 Definitions.
- 20:80:08:15 Continuing education requirements.
- 20:80:08:16 Record keeping.

- 20:80:08:17 Qualified continuing education.
- 20:80:08:18 Restrictions on continuing education credit.
- 20:80:08:19 Approved continuing education programs.
- 20:80:08:20 Credit for presentations and publications.
- 20:80:08:21 Waiver of continuing education requirements.

20:80:08:01. List of continuing professional training activities maintained by the board. ~~The board shall maintain and make available upon request the list of continuing professional training activities approved by the board.~~ Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:01, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3).~~

Law Implemented: ~~SDCL 36-34-12(1)(3).~~

20:80:08:02. Sources of continuing professional training. ~~A practitioner may obtain hours of continuing professional training by attending and participating in counseling related trainings, addiction, behavioral health, or prevention courses, lectures, workshops, or seminars; trainings provided by the practitioner's employer; and teaching or training in the counselor core functions. Continuing professional training should be in those areas related to the scope of practice for the practitioner. The practitioner is responsible for financing the costs of continuing professional training.~~ Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:02, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3).~~

Law Implemented: ~~SDCL 36-34-12(1)(3).~~

20:80:08:03. Preapproved sponsors. ~~The board shall accept continuing professional training contact hours for programs provided by sponsors that meet the standards in § 20:80:08:04 and are accredited, approved, or presented by those sponsors. The board shall maintain and make the list of preapproved sponsors available on the board's website located at www.dss.sd.gov/behavioralhealthservices/licensingboards, Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:03, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3).~~

Law Implemented: ~~SDCL 36-34-12(1)(3).~~

20:80:08:04. Standards for approval. ~~A professional training lecture, workshop, seminar, post secondary education course, or other educational activity qualifies for approval by the board if it meets the following requirements:~~

~~(1) It constitutes an organized program of learning which contributes directly to the competency of the practitioner in serving the public;~~

~~(2) It relates to the areas of prevention, treatment, counseling, and the administration of programs to improve professional skills and upgrade the standards of addiction counselors and prevention specialists;~~

~~(3) It is conducted by individuals considered experts in the subject matter of the program because of education, training, or experience; and~~

~~(4) It is accompanied by a paper, manual, written outline, or electronic documentation which substantially pertains to the subject matter of the program, Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:04, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3).~~

Law Implemented: ~~SDCL 36-34-12(1)(3).~~

20:80:08:05. Approval of activities. ~~An organization, presenter, or attendee that desires approval of a continuing professional training activity shall apply to the board within 30 days before or after the activity is held. The organization, presenter, or attendee shall apply for approval on a form provided by the board. The application must include the following:~~

- ~~(1) Dates and location of the activity;~~
- ~~(2) Sponsoring agency and subject matter offered;~~
- ~~(3) Instructors or speakers and their qualifications;~~
- ~~(4) The number of contact hours requested;~~
- ~~(5) Agenda outlining the time frame of program activities; and~~
- ~~(6) Any applicable fee.~~

~~The board shall notify the organization, presenter, or attendee in writing whether or not the activity has been approved.~~ Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:05, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(7).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(7), 36-34-13(21).~~

20:80:08:07. Continuing professional training requirements.—~~The following requirements must be met by each practitioner applying for renewal of certification or licensure:~~

~~(1) A practitioner renewing CAC, LAC, or CPS status shall complete at least 40 contact hours of approved continuing professional training. These hours must be submitted to the board during the practitioner's birth month every two years in even-numbered years;~~

~~(2) A practitioner who is dually credentialed as defined in § 20:80:01:01 shall complete at least 60 contact hours of approved continuing professional training. These hours must be submitted to the board during the practitioner's birth month every two years in even-numbered years;~~

~~(3) A practitioner renewing retired status shall complete 50 percent of the required continuing professional training; or~~

~~(4) A practitioner who is reinstating from inactive status shall obtain the number of hours related to the time frame the certification was placed on inactive status up to a maximum of 40 hours or 60 hours if dually credentialed.~~

~~The failure of a practitioner to comply with a continuing professional training audit may result in the lapse of certification or licensure, Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; subdivision (1) adopted June 13, 2006, effective January 1, 2008; transferred from § 46:33:08:07, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(4)(5).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(4)(5).~~

20:80:08:08. Continuing professional training compliance period.~~The continuing professional training compliance period for a certified or licensed practitioner is for two years beginning with the practitioner's birth month following issuance of a certificate by the board and ending on the last day of the month of the practitioner's birth. Hours earned during one compliance period may not be carried over to the next.~~ Repealed.

Source: 32 SDR 225, adopted July 13, 2006, effective January 1, 2008; transferred from § 46:33:08:08, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(4).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(4).~~

20:80:08:09. Proof of compliance required. ~~A practitioner shall comply with the requirements for continuing professional training before the practitioner's certification or licensure may be renewed. The practitioner shall submit the continuing education and training report form provided by the board.~~

~~Practitioners shall maintain acceptable documentation of attendance and completion of training activities. Documentation must be signed by a representative of the institution or organization sponsoring the training activity and must include the following:~~

- ~~(1) The date of attendance or completion of the activity;~~
- ~~(2) The speaker, instructor, or sponsoring agency;~~
- ~~(3) The location of the activity or the medium used for instruction; and~~
- ~~(4) The hours in actual attendance or hours required for completion of the activity.~~

Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:09, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(4)(5).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(4)(5).~~

20:80:08:10. Board audit of compliance requirements. ~~The board shall audit a maximum of ten percent of renewal applications. To show compliance with the continuing professional training requirements each practitioner audited shall submit documentation pursuant to § 20:80:08:09 showing that the requirements for continuing professional training have been met.~~
Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:10, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(5).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(5).~~

20:80:08:11. Restriction on continuing professional training contact hours. ~~During the two-year compliance period, a practitioner may not receive credit for more than 15 hours of the required continuing professional training contact hours from teaching and facilitating trainings if holding a single credential or 20 hours if holding dual credentials, Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:11, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3).~~

Law Implemented: ~~SDCL 36-34-12(1)(3).~~

20:80:08:12. Credit for teaching and facilitating training. ~~A practitioner who provides teaching or training shall be awarded the actual number of contact hours for the activity no more than once every three years. The following guidelines apply:~~

~~(1) Teaching activities must be accredited courses as designated by a post secondary institution for which college credit is issued;~~

~~(2) Training activities must be trainings relevant to the addiction counseling or prevention services professions;~~

~~(3) Any training activity not on the approved provider list must be approved within 30 days of the activity;~~

~~(4) All training must be completed within the applicable professional training compliance period; and~~

~~(5) Patient lectures or public education lectures such as those offered to schools or to public service groups may not be used to meet the teaching and training requirements, Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:08:12, 40 SDR 59, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(4).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(4).~~

20:80:08:14. Definitions. Terms used in this chapter mean:

(1) "Continuing education cycle," a two-year period that begins on December 1 of an odd-numbered year and ends on November 30 of the next odd-numbered year;

(2) "In-house program," a program planned and presented by the licensee for the purpose of educating staff in the same office; and

(3) "Licensee," a person licensed or certified by the Board as a CAC, LAC, or CSP.

Source:

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12(1)(3).

20:80:08:15 Continuing education requirements. A licensee shall complete forty hours of qualified continuing education in each continuing education cycle. At least four of the continuing education hours must be on the subject of counseling ethics. Continuing education required for renewal of a license must be prorated in six month increments for a licensee granted an initial license during a continuing education cycle. Upon application for renewal, a licensee shall verify under penalty of perjury that all continuing education information provided on the application is true and correct. The licensee shall supply sufficient detail to permit verification of the qualified continuing education if notified of an audit by the board.

Source:

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12(1)(3)(5).

20:80:08:16. Record keeping. A licensee shall maintain records to verify continuing education used to renew a license. A licensee shall maintain records in the form of a completion certificate or other documents supporting evidence of completion. These records must be maintained for four years after the date of renewal of the license.

Source:

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12(1)(3).

20:80:08:17. Qualified continuing education. Qualified continuing education is an academic course, workshop, clinic, forum, lecture, program, seminar, or other educational activity delivered for the purpose of increasing or sustaining the proficiency of the licensee in the practice of addiction or prevention counseling.

An academic semester credit equals fifteen continuing education hours and a quarter credit equals ten continuing education hours.

No qualified continuing education may be repeated in consecutive continuing education cycles.

Source:

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12(1)(3).

20:80:08:18. Restrictions on continuing education credit. A licensee may not receive more than eight contact hours during a continuing education compliance period from qualified in-house programs.

Source:

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12(1)(3).

20:80:08:19. Approved continuing education programs. The board will accept qualified continuing education programs accredited, approved, or presented by the following organizations or the organization's state affiliate:

- (1) American Association of Christian Counselors;
- (2) American Association of Marriage and Family Therapists;
- (3) American Association of Social Workers;
- (4) American Medical Association;
- (5) American Psychological Association;
- (6) Commission on Rehabilitation Counselor Certification;
- (7) Joint Commission for Accreditation of Health Care Organizations;
- (8) National Association of Alcoholism and Drug Abuse Counselors/
- (9) National Board for Certified Counselors;
- (10) National Certification Commission for Addiction Professionals
- (11) South Dakota Association of Addiction and Prevention Professionals;
- (12) South Dakota Board of Examiners for Counselors and ,Marriage and Family
Therapists;
- (13) South Dakota Board of Examiners for Psychologists;
- (14) South Dakota Board of Social Work Examiners;
- (15) South Dakota Corrections Association;
- (16) South Dakota Counseling Association;
- (17) South Dakota Department of Human Services;
- (18) South Dakota Department of Social Services;
- (19) Substance Abuse and Mental Health Services Administration; and

(20) The state licensing board for addiction or prevention counselors of another state.

The board may approve other qualified continuing education programs upon request. A licensee who desires approval of a continuing education program may apply on a form approved by the board.

Source:

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12(1)(3).

20:80:08:20. Credit for presentations and publications. A licensee who has prepared an academic addiction or prevention counseling course, an addiction or prevention counseling in-service training workshop, or an addiction or prevention counseling seminar or who has written, as first author, an addiction or prevention counseling article accepted for publication in a recognized professional journal is allowed a maximum of ten contact hours in each compliance period for each original presentation or publication. Verification of completion of the presentation or the letter of acceptance to publish, must be maintained by the licensee consistent with the requirements of this chapter.

Source:

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12(1)(3).

20:80:08:21. Waiver of continuing education requirements. The board may waive the continuing education requirements of this chapter upon receipt of a licensee's written request showing good cause for the waiver. Continuing education requirements may not be waived for more than one continuing education cycle.

Source:

General Authority: SDCL 36-34-12.

Law Implemented: SDCL 36-34-12(1)(3).

CHAPTER 20:80:09

RENEWAL, UPGRADE, AND CHANGE IN STATUS

(Transferred from Chapter 46:33:09)

Section

20:80:09:01	Biennial certification and licensure information required, <u>Repealed.</u>
20:80:09:02	Repealed.
20:80:09:03	Annual certification or licensure renewal fee, <u>Repealed.</u>
20:80:09:04	Failure to renew by deadline for certification or licensure, <u>Repealed.</u>
20:80:09:05	Repealed.
20:80:09:06	Trainee recognition renewal information required.
20:80:09:07	Repealed.
20:80:09:08	Annual trainee recognition renewal fee, <u>Repealed.</u>
20:80:09:09	Failure to renew by deadline for trainee recognition status.
20:80:09:10	Repealed.
20:80:09:11	Status upgrade information required.
20:80:09:12	Requirements for status upgrade, <u>Repealed.</u>
20:80:09:13	Change in certification or licensure status, <u>Repealed.</u>
20:80:09:14	Repealed.

20:80:09:01. Biennial certification and licensure information required. ~~A practitioner renewing CAC, LAC, or CPS shall submit an application which includes the following:~~

- ~~(1) Signed professional code of ethics form;~~
- ~~(2) Signed authorization and release of information form that includes a statement of non-felony or completion of felony sentencing requirements;~~
- ~~(3) Continuing education and training report form;~~
- ~~(4) Proof of professional training pursuant to § 20:80:08:10 if audited by the board; and~~
- ~~(5) Completion of a board survey if required by the board.~~

~~The information required in this section must be submitted to the board every two years in even-numbered years. The information must be received in the board office or postmarked by the last day of the practitioner's birth month Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:01, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(5)(7).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(5)(7).~~

20:80:09:03. Annual certification or licensure renewal fee. ~~The certification renewal fee must be submitted to the board annually. The fee must be received in the board office or postmarked by the last day of the practitioner's birth month~~ Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:03, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(5)(7).~~

Law Implemented: ~~SDCL 36-34-12(5)(7).~~

Cross-Reference: ~~Fee schedule, § 20:80:03:02.~~

20:80:09:04. Failure to renew by deadline for certification or licensure.~~—Any practitioner who fails to complete the renewal requirements in §§ 20:80:09:01 and 20:80:09:03 loses certification or licensure and may not be identified as a certified or licensed addiction counselor or prevention specialist. Any practitioner who has allowed a certification or licensure status to lapse may have it restored within fifteen days of the expiration date, providing the practitioner requests reinstatement, submits all applicable forms and documentation, and pays the reinstatement fee and the renewal fee. Any practitioner wanting to regain status after the fifteen day reinstatement period shall complete all requirements under the current provisions, reapply for certification or licensure, and successfully pass the examination Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:04, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(5)(7).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(5)(7).~~

Cross Reference: ~~Fee schedule, § 20:80:03:02.~~

20:80:09:06. Trainee recognition renewal information required.~~—A completed application for trainee renewal of recognition must include the following~~ For renewal of training recognition, the following is required:

- (1) ~~Educational and academic data form~~ A completed application;
- (2) ~~Signed supervision data form and the clinical supervisor code of ethics form~~ The applicable fees;
- (3) ~~Signed authorization and release of information form that includes a statement of non-felony or completion of felony sentencing requirements~~ Documentation of the required work hours under board approved supervision, as prescribed in this article, completed after the board granted trainee recognition;
- (4) ~~Signed professional code of ethics form~~ Documentation of the required supervision hours with a board approved supervisor, as prescribed in this article, completed after the board granted trainee recognition; and
- (5) ~~Completion of a board survey if required by the board~~ Documentation of the required education, as prescribed by this article, completed after the board granted trainee recognition.

The information required in this section must be submitted to the board annually to renew trainee recognition. ~~The information must be received in the board office or postmarked by the last day of the trainee's birth month.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:06, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(3)(4).

Law Implemented: SDCL 36-34-12(1)(3)(4)(5)(7).

20:80:09:08. Annual trainee recognition renewal fee. ~~The trainee recognition renewal fee must be submitted to the board annually. The fee must be received in the board office or postmarked by the last day of the trainee's birth month.~~ Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:08, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(7).~~

Law Implemented: ~~SDCL 36-34-12(7).~~

Cross-Reference: ~~Fee schedule, § 20:80:03:02.~~

20:80:09:09. Failure to renew by deadline for trainee recognition status. Any trainee who fails to submit the renewal application and fee by the ~~deadline~~ expiration of the trainee's status automatically loses recognition status and may not be identified as an addiction counselor trainee or prevention specialist trainee. Any trainee who has allowed the trainee recognition status to lapse may ~~have it restored~~ reinstate the status ~~reinstated~~ within ~~fifteen~~ thirty days of the expiration date, providing the trainee ~~requests reinstatement, submits;~~

(1) Requests reinstatement;

(2) Submits the renewal application and all applicable documentation; ~~and pays~~

(3) Pays the reinstatement fee and the renewal fee.

Any trainee wanting to ~~regain~~ reinstate status after the ~~fifteen~~ thirty day reinstatement period shall successfully complete three of the courses required for either CPS, CAC, or LAC before ~~being allowed to reapply~~ submitting a renewal application for recognition status.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:09, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(3)(5)(7).

Law Implemented: SDCL 36-34-12(1)(3)(5)(7).

Cross-Reference: Fee schedule, § 20:80:03:02.

20:80:09:11. Status upgrade information required. ~~A completed application for status upgrade must include~~ The certification status of CAC may be upgraded to LAC by submitting the following:

- (1) ~~Educational and academic data form~~ A completed application;
- (2) ~~Signed professional code of ethics form~~ The applicable fees;
- (3) ~~Signed authorization and release of information form that includes a statement of non-felony or completion of felony sentencing requirements~~ An official educational transcript from an approved educational program recognized by the board demonstrating the requirements for a status upgrade;
- (4) ~~Official transcripts of post secondary coursework~~ Documentation of the required work hours under board approved supervision, as prescribed in this article;
- (5) ~~Work history documentation and verification of work experience hours~~ Documentation of the required supervision hours with a board approved supervisor, as prescribed in this article;
and
- (6) ~~Supervisor's evaluation and recommendation;~~
- (7) ~~Three professional recommendations;~~
- (8) ~~Written job description for the current position held; and~~
- (9) ~~Payment of the required fee~~ Proof of passage of the required national examination.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:11, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(3)(5)(7).

Law Implemented: SDCL 36-34-12(1)(3)(5)(7).

Cross-Reference: Fee schedule, § 20:80:03:02.

20:80:09:12. Requirements for status upgrade. ~~The certification status of CAC may be upgraded to LAC by submitting the following~~

- ~~—— (1) A completed application and the information required in § 20:80:09:11;~~
- ~~—— (2) Documentation of the additional education and supervised work experience requirements pursuant to § 20:80:05:10;~~
- ~~—— (3) Official transcripts of all post-secondary course requirements for the upgrade;~~
- ~~—— (4) Any national testing scores; and~~
- ~~—— (5) The required fee Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:12, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(4)(5)(7).~~

~~—— **Law Implemented:** SDCL 36-34-12(1)(3)(4)(5)(7).~~

~~—— **Cross-Reference:** Fee schedule, § 20:80:03:02.~~

20:80:09:13. Change in certification or licensure status. ~~A certified practitioner in good standing may qualify for the following status changes:~~

~~(1) A practitioner who is age 62 or older and is unemployed or employed in the profession on a part time basis (20 hours per week or less) at the time of certification or licensure renewal is eligible to apply for retirement status. A practitioner with retirement status shall complete half of the continuing professional training requirements and pay the required fee and is not eligible for reciprocity;~~

~~(2) A practitioner on active military duty may be placed on inactive status upon request by the practitioner or through board action. No reactivation fee and no continuing professional training hours are required unless the practitioner is working as a military alcohol, drug, or other related addiction counselor. A practitioner on inactive status is not eligible for reciprocity; or~~

~~(3) A practitioner may request to be placed on inactive status. The certification or licensure may be maintained by submitting the required renewal fee. Continuing professional training is not required while the practitioner is on inactive status. A practitioner on inactive status may not actively practice in the field and is not eligible for reciprocity. A practitioner who reactivates shall comply with the continuing professional training requirements in chapter 20:80:08 Repealed.~~

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:09:13, effective 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(3)(5)(7).~~

Law Implemented: ~~SDCL 36-34-12(1)(3)(5)(7).~~

Cross-Reference: Fee schedule, § 20:80:03:02.

CHAPTER 20:80:10

COMPLAINTS, NOTICE, AND APPEALS

(Transferred from Chapter 46:33:10)

Section

20:80:10:01 Filing the complaint.

20:80:10:02 ~~Notice of complaint.~~ Repealed.

20:80:10:03 Appeal of denial.

20:80:10:01. Filing the complaint. Any complaint against a practitioner must be made in writing to the board and include the full name and address of the complainant. The complaint must ~~outline the~~ contain facts, ~~which clearly and accurately that~~ describe the nature of the complaint. ~~A complaint must be sent by first class mail to the board at the BAPP administrative office, 3101 W. 41st Street, Suite 205, Sioux Falls, South Dakota 57105.~~ A complaint is not a public record. ~~No~~ An agency or individual who files a complaint, or provides information related to a complaint, has a no right to participate in the investigation or formal disciplinary proceedings.

All complaints shall be ~~investigated by a board representative or a subcommittee appointed by the board~~ reviewed in accordance with SDCL chapters 36-1C and SDCL 1-26.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:10:01, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-34-12(1)(2)(3).

Law Implemented: SDCL 36-34-12(1)(2)(3), 36-34-18.

20:80:10:02. Notice of complaint. ~~If the board determines a complaint has merit and constitutes grounds for disciplinary sanction, the board shall provide a copy of the complaint to the practitioner. The practitioner shall be provided an opportunity to respond to the alleged misconduct within 30 days of receipt of the complaint. The practitioner shall be notified that failure to respond in writing within the specified time frame constitutes an admission to the allegations. All deliberations of the board are held in closed session~~ Repealed.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:10:02, 40 SDR 58, effective October 9, 2013.

General Authority: ~~SDCL 36-34-12(1)(2).~~

Law Implemented: ~~SDCL 36-34-12(2), 36-34-16, 36-34-22.~~

20:80:10:03. Appeal of denial. An applicant denied initial or renewal recognition, certification, or licensure may appeal the decision. ~~An~~ The appeal must be submitted in writing ~~requesting reconsideration of the decision to the board~~ within 30 days of the date the applicant received notification from the board. An applicant ~~dissatisfied with the decision of the board~~ may appeal the decision pursuant to SDCL chapter 1-26.

Source: 32 SDR 225, effective July 3, 2006; transferred from § 46:33:10:03, 40 SDR 58, effective October 9, 2013.

General Authority: SDCL 36-1C-13, 36-34-12~~(4)~~.

Law Implemented: SDCL 1-26-30, 36-34-12(2), 36-34-23, 36-34-24.

Cross-Reference: Appeal from final action in contested case, SDCL 1-26-30.2.